

# Lambda Letters Project

32634

Lavender Library, Archives  
and Cultural Exchange  
Sacramento, CA

Vol. 9, No. 8

August, 2001

www.lambdaletters.org

LambdaLP@aol.com

(916) 728-1261

## People: The Fourth Branch of Government

### *Why You Are Important to Keep Government in Check*

by Boyce Hinman, Chief Lobbyist

Our form of government is far from perfect but there are signs of serious problems with the government here in California. Among other things, the governor may just be too powerful. Governor Davis has developed and refined a new way of getting what he wants. Rather than vetoing bills, he forbids the Legislature from sending them to him in the first place.

AB 1649 is the most recent example of this tactic. This bill, cosponsored by Lambda Letters and introduced by Assemblymember Jackie Goldberg (D-Los Angeles), was doing well and had a good chance of being approved by the Legislature. It would have explicitly prohibited employment and housing discrimination against transgendered people.

The governor's staff called Assemblymember Goldberg and told her not to send the bill to him. They said the governor would veto it if she did. She quickly dropped the bill, at least for this year, without even

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## Lambda Letters' Lobby Office Moves

The lobbying office of the Lambda Letters Project has recently moved. Here is the new address:

The Lambda Letters Project  
6529 Cowboy Way  
Citrus Heights, CA 95621

The new phone number is (916) 728-1261. Lambda Letters will continue to do its mail processing from its office in San Diego.

Since its founding in 1998, the Lambda Letters Project was headquartered at 6212 Silverton Way in Carmichael (Sacramento). Last year its operations were split: lobbying was headquartered in Carmichael and the mailing operation was moved to an independent contractor with offices in San Diego.

The Silverton Way address was actually the home of Boyce Hinman and his partner Larry Beaty. They have always been conscious of keeping costs down and operating the Project out of their home was one way of doing that. Because Boyce and Larry moved to the new address, the lobbying office moved with them. In this way LLP will continue to control costs. We still pay no money for office space.

###

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## Lambda Letters Progress Report

### Messages Collected

June, 2001	17,903 letters & e-mails
In all of 2001	76,698 letters & e-mails

### Dollars Spent

June, 2001	\$3,646
In all of 2001	\$24,017

### Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.



# Lambda Letters Project

## Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in American society.

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Publication of the name of any person or organization in articles or advertising in the Lambda Letters Project newsletter is not to be construed as any indication of the sexual orientation of such person or organization.

The Lambda Letters Project does not sell or loan its mailing list to anyone. We give no information about who is, or is not, a member of the Project. We do, occasionally, send mailings on behalf of other worthwhile organizations, but this is done by our own volunteers so that no other organization has the opportunity to copy our mailing lists.

The Lambda Letters Newsletter is published monthly, except in December, by Lambda Letters Project Inc., 6529 Cowboy Way, Citrus Heights, CA 95621.

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## Support for Roe v. Wade

by *Adrienne Lauby*

Soon after the Supreme Court stamped him "APPROVED," President George W. Bush moved to deny family planning to women outside the U.S. While many women and men were suing their health plans because contraceptives were not covered like other medications, the current resident of the White House was listening to the Pope's opinion on basic scientific research on stem cells.

It's hard to keep up.

Instead of responding case by case, the California legislature is considering a broad endorsement of Roe v. Wade. SJR 3 sponsored by Betty Karnette (D-Long Beach) would state that the California legislature expects George Bush and Congress to take necessary action to preserve the integrity of the Supreme Court decision that made abortion legal.

According to the American Civil Liberties Union, 86 percent of U.S. counties now have no abortion provider. Frequent mergers between religious and nonsectarian hospitals have curtailed abortion, sterilization, contraceptive services, AIDS prevention services, many types of infertility treatments, and even the "morning-after pill" for rape victims.

If that weren't enough, violence is a common tool of anti-choice activists. Large anti-abortion protests took place in Wichita, Kansas, this summer where Dr. George Tiller was shot and wounded outside his abortion clinic by an anti-abortion protester in 1993. Murder threats have driven out many abortion providers.

Are you thinking that a legislative resolution from California will have little effect on George Bush and his gang? Here are a few other ideas adapted from a list by Planned Parenthood to add to the mix:

- ♦ Volunteer to be a clinic escort.
- ♦ Speak out when abortion is the topic of conversation.
- ♦ Urge the media to use "women's health center" instead of "abortion clinic"; ban phrases like "baby killer" and "murderer"; never publish names or addresses of health care providers;

## When There's a Cure, Make Sure We All Get It

by *Marty Martinez, AIDS Project East Bay*

A vaccine for HIV may still be a long way off, but when one is developed, ensuring distribution of the vaccine will be the great new public policy challenge. Just because there's a cure doesn't mean we'll all have access to it, at least right away. We already have seen the challenges that people with HIV have faced getting health plans to cover the wide array of necessary medications; and people without insurance—not to mention those in Africa—have had even higher hurdles.

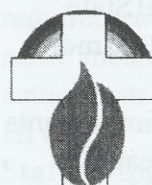
SB 446, "Health Care Coverage: AIDS Vaccine," by Senator John Vasconcellos (D-San Jose) will help ensure that at least some persons with health insurance will have access to an HIV vaccine when one is developed.

The bill requires that public employees covered by the Public Employees' Retirement System (CalPERS) have access to a vaccine, and also requires that any health care plan that is renewed after next year and covers hospital, medical, or surgery expenses on a group basis, cannot exclude from its coverage any federally approved HIV/AIDS vaccine.

The bill passed the State Senate 28 to 10, and is now in the Assembly Appropriations Committee. Please sign and send the enclosed letter to the chair of that committee, Assemblywoman Carole Migden (D-San Francisco).

Go to the LLP Web site at [www.lambdaletters.org](http://www.lambdaletters.org) to see a copy of this bill. Click on the Legislative Update button and then scroll down and click on the bill number. Clicking on the first HTML link under the words "Bill Text" will bring up a copy of the latest version of the bill.

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## Support Real Access to Education for Immigrants

*by Boyce Hinman, Chief Lobbyist*

AB 540, "Public Postsecondary Education: Residency," is good legislation. Here's why. California has a huge immigrant population. In fact, we may be the state with the largest number of immigrants in the nation. The U.S. Census Bureau estimates that there were over 8 million immigrants (people born outside the U.S.) living in California in 1996. A significant part of California's immigrants are undocumented. To be frank, that means they are here illegally.

However, most of them have come here to build a better life for themselves and their children and most of them work very hard to accomplish that. Many of them are poorly educated, but they aspire to send their children to college so they can secure the future that only a college education can provide. It's the American dream.

As they work at their jobs they are contributing to California's economy and they are paying payroll and property taxes to the state and to local governments within California. Even those who rent an apartment or home pay property taxes. You can be sure their landlords consider their property taxes when deciding what rent to charge.

Americans have long taken for granted their right to an education at the colleges and universities that are funded by our tax dollars. My father taught for 44 years at the City University of New York. In his earlier years there, any resident of New York City could attend CUNY without paying any tuition. Now of course there are significant tuition rates at most public colleges and universities, including those in California. In California, nonresidents (someone from Nevada, for example) pay much more tuition than California residents. At the University of California, as well as in the Cal State University system, they pay as much as \$6,000 more per year.

How does this relate to undocumented immigrants in California? Under current law they are treated as nonresidents and are required to pay the higher tuition

## Support Rights for Domestic Partners

*by Boyce Hinman, Chief Lobbyist*

This month we ask that you write letters to members of the Senate Appropriations Committee in support of AB 25, "Domestic Partnerships." The bill will be voted on in that committee on August 20, so please write soon. In 1999 the legislature passed AB 26, by Carole Migden (D-San Francisco). That bill established the State Registry of Domestic Partners allowing same-sex couples and certain opposite-gender senior citizen couples to register their partnership with the State of California. All such couples were guaranteed hospital visitation rights by the bill and some state and local government employees were permitted to put their domestic partners on their employer-provided health insurance. However, for most domestic partners the benefits provided by AB 26 were limited to hospital visitation rights.

AB 25, introduced this year by Assemblymember Migden, seeks to remedy the situation by giving several new rights to domestic partners. For example, it would allow opposite-gender senior citizen couples to register as domestic partners if one of them is over 62 (currently both must be over 62), allow people to make medical decisions for their partners under certain circumstances, require certain insurers to offer domestic partner coverage in their group health or disability plans, require many employers to allow employees time off to care for a sick domestic partner, require that a domestic partner be given preference when conservatorship is being considered for a person, add domestic partners to the statutory will form, remove the income tax liability for employer-provided domestic partner health insurance, and allow people to receive unemployment insurance, under certain circumstances, when they quit a job to follow a domestic partner.

We need your letters telling members of the Senate Appropriations Committee that AB 25 is definitely one of the bills they should vote for.

Read the box at right to see how you can see the text of AB 25 online.

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# August Legislative Update

Legislators will face some important deadlines as they finish their legislative work. All bills had to be out of their policy committee in their second house no later than July 13th. For example, all bills beginning with "AB" were first introduced in the Assembly and had to be out of their Senate policy committee by that date. In theory, policy committees decide whether a bill makes sense from a policy standpoint. For example, the Senate Health Committee might consider the policy implications of a bill having to do with breast cancer.

All bills must be out of the Appropriations Committee in their second house no later than August 31st. For example, all bills that begin with "SB" were first introduced in the Senate, and must be out of the Assembly Appropriations Committee no later than that date. In theory, the Appropriations Committee makes a decision as to whether a bill makes sense from a financial point of view.

In reality, both the issues considered by policy and appropriations committees, and the deadlines for approval by these committees, are affected by politics. Often the real key to whether a bill gets approved is the political views of the members of those committees. Also, legislators can grant waivers to the rules on deadlines. If they grant an exception, a bill can still be considered after the official deadline.

In the following list you may see that a bill is on an appropriations committee's "suspense list." This means that it is an expensive bill and the committee has put off a decision on the bill until later.

You may also read that a bill is a "two-year bill." That means the bill has been dropped for this year but may be taken up by the bill's author again next year. If so, it would start where it left off. It would not have to go through the whole legislative process all over again.

The following list shows the status of the bills that we have been following as of late July.

## See Copies of State Bills

View any state bill on the Lambda Letters Project Web site! Go to [www.lambdaletters.org](http://www.lambdaletters.org) and click on the Legislative Update button. Click on the bill number you're interested in and choose "HTML" to view it.

## HIV/AIDS Issues

**AB 142** (Stuart Richman, R—Granada Hills)

**Purpose:** To prohibit healthcare plans from forcing physicians to pay the cost of certain healthcare services.

**Status:** Approved by the Senate Insurance Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 276** (Carole Migden, D—San Francisco)

**Purpose:** To extend to two years a limitation to issue accusations of violations of the right to be free from violence, intimidation, or threats of intimidation, including for persons claimed to be aggrieved by HIV discrimination.

**Status:** Approved by the Senate Judiciary Committee and referred to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support, requesting addition of gender to the list of prohibited bases of intimidation.

**AB 916** (Fred Keeley, D—Santa Cruz)

**Purpose:** To expand the existing requirement for school-based AIDS prevention instruction to include instruction on sexually transmitted infection; and require related instructional materials to be medically accurate and free of ethnic, gender, and racial biases.

**Status:** Approved by the Senate Education Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 937** (Paul Koretz, D—West Hollywood)

**Purpose:** To require every healthcare service plan that covers hospital, medical, or surgical expenses to develop a plan establishing risk-adjusted capitated rates for the reimbursement of providers for the treatment of enrollees infected with HIV. Would require the Department of Health Services to develop risk-adjusted capitated rates for treatment of Medi-Cal recipients infected with HIV, in accordance with specified requirements. Paying doctors "risk adjusted capitated rates" means paying rates high enough to cover the actual costs to the doctor of treating the patient with HIV.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

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## Legislative Update

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tions Committee for a hearing on either August 20 or 27.

**LLP Position:** Support.

**AB 1263** (Carole Migden, D-San Francisco)

**Purpose:** To allow the state to establish a rapid HIV testing process at designated sites. Test results would be made available to the person in the same appointment at which the test was done.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 1292** (Dion Aroner, D-Berkeley)

**Purpose:** To allow people to purchase and possess intravenous needles and syringes without a prescription. Requires that pharmacies provide purchasers with information regarding safe disposal of syringes.

**Status:** Referred to Assembly Health Committee.

Made a two-year bill.

**LLP Position:** Support.

**SB 187** (John Vasconcellos, D-Santa Clara)

**Purpose:** To require the State Department of Health to establish and maintain a voluntary program for the issuance of registry identification cards to qualified medical marijuana patients, and to establish procedures under which a patient with the card could use marijuana for medical purposes. NOTE: A recent US Supreme Court decision stated that, in spite of Proposition 215, a person may be prosecuted under federal law for possession of marijuana. The court said medical necessity does not justify possession. So signing up for a marijuana registry card may be signing a confession to violation of federal law.

**Status:** Approved by the Assembly Health Committee

and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Oppose.

**SB 446** (John Vasconcellos, D-Santa Clara)

**Purpose:** To require that a healthcare plan or contract may not exclude from coverage any vaccine for AIDS that is approved by the federal Food and Drug Administration.

**Status:** Approved by the Assembly Public Employees and Social Security Committee and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Support.

**SB 622** (Deborah Ortiz, D-Sacramento)

**Purpose:** To allow the Women, Infants, and Children (WIC) supplemental nutrition branch of the State Department of Health Services to issue grants to local entities to provide certain dental services and information.

**Status:** Approved by the Senate and sent to the Assembly Human Services Committee for a hearing on June 26. Hearing cancelled at author's request.

**LLP Position:** Support.

## Lesbian/Gay/Bisexual/Transgender Issues

**AB 25** (Carole Migden, D-San Francisco)

**Purpose:** To allow opposite-gender senior citizen couples to register as domestic partners if one of them is over 62 (currently both must be over 62); allow people to make medical decisions for their partners under certain circumstances; require certain insurers to offer domestic partner coverage in their group health or disability plans; require many employers to allow employees time off to care for a sick domestic partner; require that a domestic partner be given preference when conservatorship is being considered for a person; add domestic partners to the statutory will form; remove the income tax liability for employer-provided domestic partner health insurance; allow people to receive unemployment insurance, under certain circumstances, when they quit a job to follow a domestic partner. The bill reverses the feature of AB 26, passed in 1999, which allows state and local governments to offer health insurance to the domestic partners of their retirees, but which terminates the insurance for the

### Deborah A. Brooks

Certified Public Accountant



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## Legislative Update

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partner if the retiree dies first.

**Status:** Approved by the Senate Judiciary Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 64** (Elaine Alquist, D-Santa Clara)

**Purpose:** To provide a state income tax deduction for the premiums paid by a taxpayer for long-term care insurance on the taxpayer and his or her spouse and dependents. Alquist may add domestic partners to the bill at the request of Lambda Letters.

**Status:** Died in the Assembly Revenue and Taxation Committee.

**LLP Position:** Support if domestic partners are added alongside spouse.

**AB 79** (Sally Havice, D-Cerritos)

**Purpose:** To require schools to prepare plans for protecting the safety of students against bullying by their classmates (a big problem for queer youth) and plans for conflict resolution.

**Status:** Approved by the Senate Education Committee and sent to the Senate Appropriations Committee. Put on that committee's suspense file.

**LLP Position:** Support.

**AB 194** (John Longville, D-San Bernardino)

**Purpose:** To clarify the process to be used by California courts when certain postoperative transsexuals request legal recognition of their new sex.

**Status:** Passed by the Legislature and sent to the governor for signature. He has until August 2 to decide whether to sign the bill, veto it, or let it become law without his signature.

**LLP Position:** Support. Lambda Letters is the bill's sponsor.

**AB 1193** (Darrell Steinberg, D-Sacramento)

**Purpose:** To provide that an insurer issuing policies protecting against certain residential, liability, and commercial risks may not cancel or refuse to renew a policy solely on the basis that one or more claims have been made against the policy, during the previous 60 months for a loss that is the result of a hate crime committed against a church, nonprofit or a related entity. Would require insurance companies to report these claims to the State Insurance Commissioner under certain circumstances. Bill is now supported by the insurance industry.

**Status:** Approved by the Senate and returned to the Assembly for concurrence with changes made to the bill in the Senate. The concurrence vote will probably not occur until late August.

**LLP Position:** Support.

**AB 1278** (Howard Wayne, D-San Diego)

**Purpose:** To make a number of technical but helpful changes to the laws regarding probate and regarding healthcare decision-makers when the patient is unable to make decisions for him- or herself. Specifically permits a domestic partner to make healthcare decisions for a patient in a facility that employs the domestic partner, as long as the partner is not the supervising healthcare provider for the patient.

**Status:** Approved by the Senate and returned to the Assembly for concurrence with changes made to the bill in the Senate. The concurrence vote will probably not occur until late August.

**LLP Position:** Support.

**AB 1326** (Denis Mountjoy, R-Arcadia)

**Purpose:** To prohibit the promotion of homosexuality in public education.

**Status:** Assigned to Assembly Education Committee. Hearing cancelled at request of author. Is a two-year bill.

**LLP Position:** Oppose.

**AB 1338** (Paul Koretz, D-West Hollywood)

**Purpose:** To establish a legal entity called a civil union, similar to that established in Vermont. Allows two adults to enter a civil union. Does not require that they be of opposite sexes. Declares that the rights and responsibilities of those who enter a civil union shall be

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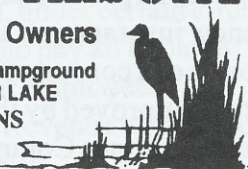
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## Legislative Update

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the same as for those who get married.

**Status:** Referred to Assembly Judiciary Committee.

Made a two-year bill.

**LLP Position:** Support.

**AB 1395** (Roy Ashburn, R-Bakersfield)

**Purpose:** To provide funding for counseling of adoptive parents and children, including issues that arise during the adoptive child's adolescence.

**Status:** Failed in the Assembly Appropriations Committee. Bill is dead for this year.

**LLP Position:** Watch.

**AB 1649** (Jackie Goldberg, D-Los Angeles)

**Purpose:** To amend California's Fair Employment and Housing Act to ban employment and housing discrimination against transgendered people.

**Status:** Approved by the Senate Judiciary Committee.

Dropped by the author at the request of the governor.

The bill may be taken up again next year. If so it will start where it left off this year. Its first committee would be the Senate Appropriations Committee.

**LLP Position:** Support. Lambda Letters is a sponsor of the bill.

**SB 143** (Kevin Murray, D-Los Angeles)

**Purpose:** To require the Attorney General to provide grants to community-based hate violence prevention and response networks.

**Status:** Failed in the Senate Appropriations Committee. Is a two-year bill.

**LLP Position:** Support.



**SB 144** (Kevin Murray, D-Los Angeles)

**Purpose:** To require the Attorney General to establish, operate, and publicize a toll-free telephone number and a Web site to allow victims and witnesses to report hate crimes.

**Status:** Failed in Senate Public Safety Committee.

**LLP Position:** Support.

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**SB 381** (Wesley Chesbro, D-Arcata)

**Purpose:** Current law requires city and county Human Relations Commissions to promote mutual understanding and respect of certain groups in society. This bill adds certain groups to the groups listed in current law. The new list includes people of all sexual orientations, but does not include people of all gender identities. We have asked Senator Chesbro to add gender identity to the list. At the request of Lambda Letters, gender has been added to this bill.

**Status:** Signed by the governor.

**LLP Position:** Support.

**SB 1049** (Jackie Speier, D-San Mateo)

**Purpose:** To provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.

**Status:** Sent to the governor for signature.

**LLP Position:** Support.

**SB 1121** (Bob Margett, R-Arcadia)

**Purpose:** To provide a tax credit of 40 percent, subject to federal income tax laws, for corporations that hire qualified state disability insurance recipients, including individuals with HIV and AIDS. Also to provide extended unemployment compensation disability insurance for an additional 26 times an individual's weekly benefit amount to complete approved job training or occupational rehabilitation, as specified.

**Status:** Made a two-year bill. It will not be acted upon until next year because the energy crisis is draining the state's financial reserves. Bill will be reconsidered next year once the state's financial picture is clearer.

**LLP Position:** Support.

## People of Color Issues

**AB 5** (Thomas Calderon, D-Montebello)

**Purpose:** To prohibit an insurer from refusing to issue or renew insurance on a private passenger car solely on the basis of a consumer credit report.

**Status:** Approved by the Assembly and sent to the Senate Insurance Committee. Dropped by the author. Is a two-year bill.

**LLP Position:** Support.

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## Legislative Update

*Continued from page 8*

### **AB 8** (Gil Cedillo, D—Los Angeles)

**Purpose:** To allow the state to make grants and loans of up to \$55,000 for reconstruction of commercial and industrial buildings in certain downtown areas, when the buildings will provide low-cost rental housing.

**Status:** Passed by the legislature and signed by the Governor.

**LLP Position:** Support.

### **AB 14** (Jackie Goldberg, D—Los Angeles)

**Purpose:** To state the intent of the Legislature to examine the state school facilities program to ensure that allocation formulas reflect the current and future needs for public kindergarten to 12th grade and to examine and assess the needs of the higher educational system, including funding distributions.

**Status:** Approved by the Assembly and sent to the Senate Education Committee. Held in the Senate Education Committee without recommendation. It may become a two-year bill.

**LLP Position:** Neutral.

### **AB 32** (Keith Richman, R—Chatsworth)

**Purpose:** To create the Cal-Health program, which would result in coordination of the Healthy Families and Medi-Cal programs, by providing a uniform and simplified application process; and to expand eligibility under these programs to additional uninsured persons, including childless adults with incomes under 250 percent of the federal poverty level. The bill would require the state to apply to the federal government for waivers to allow federal funds to be used in that regard but would allow funding of expanded eligibility through state-only funding in the meantime.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Insurance Committee for a hearing on August 22.

**LLP Position:** Support.

### **AB 39** (Helen Thomson, D—Woodland)

**Purpose:** To allow a tax credit, under certain circumstances, to small employers who pay all or part of the cost of health insurance for their employees.

**Status:** Referred to Assembly Revenue and Taxation Committee. Made a two-year bill.

**LLP Position:** Support.

### **AB 42** (Howard Wayne, D—San Diego)

**Purpose:** To establish a state-funded colorectal cancer screening program to be provided to uninsured or underinsured persons, over the age of 50 and with incomes at or below 200 percent of the federal poverty level.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Appropriations Committee suspense file.

**LLP Position:** Support.

### **AB 48** (Carl Washington, D—Paramount)

**Purpose:** To require the state to implement a three-year demonstration project to make grants to eligible alcohol and drug integrated treatment services networks, as defined, in certain counties.

**Status:** Bill is being amended to specify that funding will come from general funds of the state. Approved Failed passage in the Assembly Appropriations Committee. The bill is dead for this year.

**LLP Position:** Support.

### **AB 51** (Kevin Shelley, D—San Francisco)

**Purpose:** To require schools to notify parent or guardians when lead is found in the paint in schools.

**Status:** Approved by the Senate Environmental Quality Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

### **AB 59** (Gil Cedillo, D—Los Angeles)

**Purpose:** To expand eligibility of children in low-income families for health insurance coverage through the Healthy Families Program. Children are eligible if they are receiving food stamps or participating in the California Special Supplemental Food Program for Women, Infants, and Children; Head Start; or the federal school lunch program. The bill requires new procedures to encourage enrollment in the Healthy Families Program.

**Status:** Approved by the Senate Health and Human Services (H&HS) Committee and the Senate Insurance Committee. Sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

### **AB 108** (Virginia Strom-Martin, D—Duncan Mills)

*Continued on page 10*



## Legislative Update

*Continued from page 9*

**Purpose:** To require the state to issue a pharmacy license to authorize the operation of a pharmacy located on the land of a recognized Indian tribe without a pharmacist licensed under California's pharmacy law subject to certain conditions, which would include a requirement for any pharmacist employed by the pharmacy to possess a license to practice pharmacy issued by another state or territory of the United States. It is often difficult to find pharmacists willing to work on Indian reservations. Most other states recognize each others' pharmacy licenses. Only Florida and California do not. Allowing pharmacists with licenses from other states to work on Indian reservations increases the pool of candidates and increases the chance of finding someone qualified who is willing to work on the reservation.

**Status:** Assembly Health Committee Chair refused to let the bill be heard because of opposition from California Board of Pharmacy and the Pharmacy industry. Is dead for this year.

**LLP Position:** Support.



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**AB 114** (Carl Washington, D-Paramount)

**Purpose:** To provide state funds for grants to residents of cities with populations of over two million to do home repairs to bring their homes into conformance with the city's building codes.

**Status:** Referred to Assembly Committee on Housing and Community Development. Is a two year bill.

**LLP Position:** Support.

**AB 127** (Marco Firebaugh, D-Los Angeles)

**Purpose:** To designate the California Police Activities League, in consultation with the California Department of Parks and Recreation, to coordinate, plan, and help implement a statewide youth enrichment sports program to combat juvenile delinquency. Would make grants available to local organizations which establish such programs.

**Status:** Failed in Assembly Appropriations Committee.

**LLP Position:** Support.

**AB 144** (Gil Cedillo, D-Los Angeles)

**Purpose:** To allow the exclusion of the value of a car from being considered when determining whether or not a low-income person qualifies for certain publicly funded social service programs. An additional car would be excluded from consideration when more than one adult lives in the home and at least one adult reports earned income.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 198** (Lou Correa, D-Anaheim)

**Purpose:** To declare legislative intent to create alternatives for Native American tribes in California to finance and develop infrastructure and public works. Many Indian reservations need considerable improvement to schools roads and other infrastructure. Alternatives, beyond gambling casinos, are needed to finance these improvements.

**Status:** Has been made a two-year bill.

**LLP Position:** Support.

**AB 423** (Robert Hertzberg, D-Van Nuys)

**Purpose:** Farm labor contractors, and the people they employ to act as farm labor contractors, must be licensed by the California Labor Commissioner. This

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## Legislative Update

*Continued from page 10*

bill requires the farm labor contractor to be sure that employees acting for them have a valid current license. It also requires farmers to determine that farm labor contractors have the necessary license before entering into a contract with them

**Status:** Sent to the governor for signature.

**LLP Position:** Support.

**AB 503** (Virginia Strom-Martin, D—Duncan Mills)

**Purpose:** To establish a grant program for public schools in California to develop, expand, and strengthen dual-language education programs. These programs are taught in both English and a minority language. It allows English language-native children to become proficient in both English and another language. It allows other students to become proficient in both their native language and English.

**Status:** Held in the Assembly Appropriations Committee. Is a two-year bill.

**LLP Position:** Support.

**AB 540** (Marco Firebaugh, D—East Los Angeles)

**Purpose:** To allow all graduates of California high schools, under specified conditions, to pay the California resident tuition rate for attending a California public college or university. Would allow many immigrant students, who now must pay the much higher nonresident tuition, to pay the resident tuition instead.

**Status:** Approved by the Assembly and sent to the Senate Education Committee for a hearing on June 27.

**LLP Position:** Support.

**AB 548** (George Runner, R—Lancaster)

**Purpose:** To require the State Department of Health

Services to establish a specialty care program for persons who have had problems accessing specialty care.

**Status:** Approved by the Senate Appropriations Committee. The governor and the legislature have been discussing what state agency should run the program. The bill is on inactive status in the Senate until they agree on this point. The author does plan to push the bill eventually.

**LLP Position:** Support.

**AB 596** (Gloria Negrete McLeod, D—Montclair)

**Purpose:** To require the Department of Corrections to test all inmates for hepatitis C 60 days prior to being paroled, as specified. This bill would also require inmates who test positive for the virus to complete a hepatitis C education program administered by the Department of Corrections. Would also require the department to see if an inmate, who tests positive for hepatitis, qualifies for veteran's health benefits and to inform the inmate if he or she qualifies.

**Status:** Referred to Assembly Public Safety Committee. Hearing cancelled at author's request. Bill is dead for this year.

**LLP Position:** Support.

**AB 675** (Migden, D—San Francisco)

**Purpose:** To provide for improved due process and notification procedures involving the compassionate release of prisoners with HIV/AIDS or other diseases who have twelve months or fewer to live and who are deemed not to be a threat to the public.

**Status:** Approved by the Senate Appropriations Committee. Sent to the Senate floor for a final vote in that house.

**LLP Position:** Support.

**AB 698** (Herb Wesson, D—Los Angeles)

**Purpose:** To create the Office of Immigrant Assistance in the office of the Attorney General to provide education and outreach services, as defined, to the resident immigrant community of the state. Would also require that the information developed for these purposes be printed or broadcast in any language deemed necessary to reach immigrant communities.

**Status:** Approved by the Senate Judiciary Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.



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## Legislative Update

*Continued from page 11*

### **AB 763** (Kevin Shelley, D—San Francisco)

**Purpose:** To require that information and materials provided over the Internet explaining services available from a state agency, or notice of availability of materials made in electronic form consistent with use over the Internet, shall be translated into any non-English language spoken by a substantial number of people served by the agency, and also distributed through any applicable Web sites under those circumstances.

**Status:** Is being dropped by the author. The provisions of this bill are being added to AB 805.

**LLP Position:** Support.

### **AB 788** (Marco Firebaugh, D—East Los Angeles)

**Purpose:** To broaden the definition of racial profiling by state or local police. Provides for money damages from law-enforcement personnel and public agencies to victims of racial profiling. Requires state and local police forces to report traffic stops and to include data about the stops relating to possible racial profiling. Specifies that such reports not include information by which the person stopped could be identified. Would also make police officers and their agencies liable for violation of racial profiling laws.

**Status:** Did not make it out of the Assembly. The bill is dead for this year.

**LLP Position:** Support.

### **AB 800** (Herb Wesson, D—Los Angeles)

**Purpose:** To prohibit employers from requiring any particular language to be spoken in the workplace unless there is a business need for it.

**Status:** Approved by the Senate Judiciary Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

#### **Discrimination Complaints**

Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex? Have you been denied family and medical care leave or pregnancy disability leave?

If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212.

The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

### **AB 805** (Kevin Shelley, D—San Francisco)

**Purpose:** To require each state agency that maintains a Web site to provide links on the home page of its Web site to appropriate non-English information, including information at least in Spanish and Chinese, consistent with the requirements of the Dymally-Alatorre Bilingual Services Act.

**Status:** Failed in the Assembly Appropriations Committee. Dead for this year.

**LLP Position:** Support.

### **AB 989** (Wilma Chan, D—Oakland)

**Purpose:** Existing law requires the State Department of Social Services to establish programs to provide food assistance and cash assistance for noncitizens who, due to their immigration status, are not eligible for federal food stamps and for SSI/SSP benefits, and specifies that an applicant who is otherwise eligible for the program but entered the United States after August 22, 1996, and who is not otherwise exempt, shall be eligible for assistance for the period beginning on October 1, 1999, and ending September 30, 2001. This bill would eliminate the termination date of that period of eligibility. People in need could continue getting assistance.

**Status:** Approved by the Senate Health and Human Services Committee and sent to the Senate Appropriations Committee suspense file.

**LLP Position:** Support.

### **AB 1321** (Dion Aroner, D—Berkeley)

**Purpose:** To create the Health Utilities Board which would be charged with providing comprehensive, quality health care to all Californians and controlling health care costs through rate setting, eliminating waste and inefficiency, and achieving public accountability for meeting standards of high quality care.

**Status:** Referred to Assembly Health Committee.

Made a two-year bill.

**LLP Position:** Support.

### **AB 1423** (Helen Thomson, D—Davis)

**Purpose:** To include licensed marriage and family therapist, and clinical social worker, services within the scope of Medi-Cal covered benefits to the extent that federal matching funds are available, including home- and community-based services approved by the De-

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## Legislative Update

*Continued from page 12*

partment of Health and Human Services for beneficiaries with a diagnosis of AIDS (or ARC) who require intermediate care or a higher-level of care.

**Status:** Approved by the Assembly and sent to the Senate Health and Human Services Committee. No hearing date set yet.

**LLP Position:** Support.

**ABX13** (Roderick Wright, D-South Central Los Angeles)

**Purpose:** To require the California Public Utilities Commission to take steps to increase participation in the CARE Program, an electric and gas payment assistance program for low-income people.

**Status:** Signed by Governor.

**LLP Position:** Support.

**ACR 17** (George Nakano, D-Torrance)

**Purpose:** To declare February 19, 2001, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II.

**Status:** Signed by Governor Davis.

**LLP Position:** Support.

**SB 21** (Martha Escutia, D-Norwalk)

**Purpose:** To require school districts to inspect all schools constructed prior to 1992 for lead hazards and to devise an appropriate abatement plan, where necessary; require the Department of Health Services to provide technical assistance; require the school district to carry out the abatement of lead hazards; and require school districts, subject to funding being made available, to provide training to maintenance workers to enable them to properly identify and abate lead hazards.

**Status:** Approved by the Assembly Environmental Safety and Toxic Materials Committee and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Support.

**SB 30** (Wesley Chesbro, D-Arcata)

**Purpose:** To require the State Department of Mental Health, the Department of Finance, and the Office of the Legislative Analyst to form a workgroup to study various options to restructure mental health services

and funding in California, and would require the workgroup to make recommendations to the Legislature and Governor Davis on or before January 31, 2002. People of color certainly have no more mental health problems than anyone else. However, they are among the most uninsured in the state and whatever insurance is available often has little or no mental health coverage.

**Status:** Approved by the Assembly Health Committee and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Support

**SB 41** (Deirdre Alpert, D-San Diego)

**Purpose:** To require the State Librarian to allocate grants to develop Native American instructional materials for public schools.

**Status:** Approved by the Assembly Education Committee and sent to the Assembly Appropriations Committee suspense file.

**LLP Position:** Support.

**SB 59** (Martha Escutia, D-Norwalk)

**Purpose:** To authorize demonstration projects to allow healthcare coverage for immigrants, homeless individuals, people living with HIV/AIDS, and other populations currently facing health disparities. The bill would authorize grants to healthcare providers and community-based clinics to organize into formalized networks that provide healthcare services to migrant populations as they move through the state during the year. The bill would authorize grants to establish demonstration projects that would assist healthcare providers in developing enabling programs making the targeted groups aware of the healthcare programs available to them.

**Status:** Died in the Senate Appropriations Committee.

**LLP Position:** Support

**SB 98** (Sheila Kuehl, D-Santa Monica)

**Purpose:** To permit certain cities and counties to contract with the State Department of Mental Health and the State Department of Alcohol and Drug Programs, jointly, to provide specified services under the Medi-Cal program to low-income persons with a dual diagnosis of alcohol or drug addiction and serious, persistent mental illness.

**Status:** Died in the Senate Appropriations Committee.

**LLP Position:** Support.

*Continued on page 14*



## Legislative Update

*Continued from page 13*

### **SB 410** (Sheila Kuehl, D-Santa Monica)

**Purpose:** To prohibit employers from requiring employees to agree to arbitrate any claim arising under the California Fair Employment and Housing Act. Would prohibit employers from firing, harassing, expelling, or otherwise discriminating against an employee for refusing to agree to such arbitration.

**Status:** Referred to the Senate Judiciary Committee for a hearing on April 17. Hearing cancelled by author. Is a two-year bill.

**LLP Position:** Support.

### **SB 987** (Martha Escutia, D-Norwalk)

**Purpose:** To require proper implementation of the previously passed Dymally-Alatorre Act. That act required state and local agencies to offer their services in languages other than English when there is a significant need. Surveys have found that many agencies are not complying with the earlier act.

**Status:** Approved by the Senate and sent to the Assembly Business and Professions Committee for a hearing on July 6. Hearing cancelled at request of author.

**LLP Position:** Support.

## *Women's Issues*

### **AB 4** (Patricia Bates, R-Laguna Niguel)

**Purpose:** The bill has been revised. Existing law requires any person convicted of specified sex offenses to register, for the rest of his or her life while residing or located within California, with the chief of police or the sheriff, as specified, and with the chief of police of a campus of the University of California, the California State University, or community college if the person is residing or located upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus. This bill would apply these provisions to persons carrying on a vocation, as defined, and would add a provision that would require transient persons carrying on a vocation, and employees at university and college campuses, to register and appear personally to notify the campus police department within five working days of changing his or her location or of ceasing to be enrolled or

employed at the college or university.

**Status:** Passed by the Senate Public Safety Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

### **AB 6** (Tony Cardenas, D-Mission Hills)

**Purpose:** To permit schools to establish before- and after-school enrichment programs for children, and to establish maximum grants for these programs.

**Status:** Approved by the Senate Education Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

### **AB 43** (Herb Wesson, D-Los Angeles)

**Purpose:** To require the Commission on the Status of Women to evaluate the compensation and classification plans for state civil service and related employees and the employees of the University of California, Hastings College of the Law, and the California State University and to determine where compensation and classification inequities exist, based on comparability of the value of work. It would require the commission to report to the Legislature and the parties meeting and conferring under the Ralph C. Dills Act.

**Status:** Approved by the Senate Public Employees Committee and sent to the Senate Appropriations Committee suspense file.

**LLP Position:** Support.

### **AB 130** (Tony Cardenas, D-Sylmar)

**Purpose:** To expand and reorganize a state-funded family planning program to make it a comprehensive preventive and health screening program for low-income women under 65. Would provide funding for family planning services, but specifically excludes funding for abortion-related services or advice. Current law already prohibits spending for abortions and this law leaves that provision unchanged.

**Status:** Approved by the Assembly and sent to the Senate. Author decided to drop the bill for this year.

**LLP Position:** Support with reservations about the abortion issue.

### **AB 160** (Patricia Bates, R-Laguna Niguel)

**Purpose:** This bill has been revised. The bill would direct the Judicial Council of California to promulgate a

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## Legislative Update

*Continued from page 14*

protocol, for adoption by local courts, to provide for coordination of all orders regarding the same persons. This bill would require that the protocol include mechanisms for communication and information sharing, as specified, and permit family or juvenile court orders to coexist with criminal court orders as long as the orders protect the safety of the parties, as specified. This bill would also require a court that modifies, extends, or terminates an order protecting a victim of violent crime from contact with the defendant to transmit that modification, extension, or termination to the law enforcement agency that entered the protective order into the Domestic Violence Restraining Order System.

**Status:** Approved by the Senate Judiciary Committee. Sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**AB 180** (Gil Cedillo, D—Los Angeles)

**Purpose:** To exempt from state sales tax items sold by a thrift store in support of an agency that provides services to people with cancer or a terminal illness. Current law already provides an exemption for thrift stores that support agencies that serve people with HIV or AIDS. This bill eliminates the ending date for the tax exemption which is in current law. Author's staff says they may need to drop the cancer provision to get the bill moving.

**Status:** Approved by the Assembly and sent to the Senate Revenue and Tax Committee for a hearing on June 27. Hearing cancelled at author's request.

**LLP Position:** Support.

**AB 731** (Howard Wayne, D—San Diego)

**Purpose:** To clarify and strengthen the rules for enforcing restraining orders that were issued by courts outside of California.

**Status:** Passed by the Senate Judiciary Committee and sent to the Senate Appropriations Committee for a hearing on August 20.

**LLP Position:** Support.

**SB 37** (Jackie Speier, D—San Mateo)

**Purpose:** To require healthcare service plans and certain disability insurers to provide coverage for all healthcare services related to the treatment of an

enrollee or insured in clinical trials for new cancer medications. The study participant must have been diagnosed with cancer.

**Status:** Sent to the governor for signature.

**LLP Position:** Support.

**SB 66** (Sheila Kuehl, D—Santa Monica)

**Purpose:** To require the court, when considering issuance of a protective order, to search specified records and databases to determine if the proposed subject of the order has any specified prior criminal convictions or outstanding warrants, is on parole or probation, or is or was the subject of other protective or restraining orders. Would require the prosecuting attorney, in all prosecutions of certain crimes when a conviction is obtained, to cause a search to be made of specified databases, for review by the court, to determine if the defendant is the subject of any protective or restraining orders and to notify other courts of the pending prosecution.

**Status:** Approved by the Assembly Judiciary Committee and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Support.

**SB 217** (Sheila Kuehl, D—Los Angeles)

**Purpose:** To require counties to include the development of services to domestic violence victims in the county CalWORKS plan, and to specify services to assist victims of domestic violence to become self-sufficient. CalWORKS is a program designed to help welfare recipients return to work.

**Status:** Failed in the Senate Appropriations Committee. The bill is dead.

**LLP Position:** Support.

**SB 224** (Jackie Speier, D—San Mateo)

**Purpose:** To require the department of Health Services to submit a state plan amendment to the federal Health Care Financing Administration adopting the optional categorically needy eligibility group described in the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, thereby providing breast and cervical cancer treatment under the Medi-Cal program, subject to federal financial participation. The optional categorically needy described in the federal bill are low income people being given cancer treatment, paid for

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## Legislative Update

*Continued from page 15*

by the state, but whose circumstances do not allow the state to request matching federal funds to help cover the cost of the treatment.

**Status:** Approved by the Assembly Health Committee and sent to the Assembly Appropriations Committee for a hearing on August 22.

**LLP Position:** Support.

### **SB 927** (Martha Escutia, D-Norwalk)

**Purpose:** To require the appointment in domestic violence proceedings, and in other settings mandated by the court, of an interpreter for a person who is deaf or hearing-impaired as well as the appointment of a foreign language interpreter for a person not proficient in English; to require certified sign language interpreters in these proceedings; and to limit the services of foreign language interpreters to certified interpreters. The bill would provide for the waiver of fees for an interpreter for a petitioner who is not proficient in English in domestic violence proceedings, as well as for any person who appears *in forma pauperis* (with court fees waived), or for any other party pursuant to a court order. This bill would also require the Judicial Council to establish additional domestic violence training requirements for interpreters, as specified, and to conduct a public education and notification program

**Status:** Failed in the Senate Appropriations Committee. The bill is dead for this year.

**LLP Position:** Support.

### **SB 993** (Liz Figueroa, D-Fremont)

**Purpose:** To increase the amount of money paid by the state to child care centers for the cost of caring for low income children.

**Status:** Approved by the Senate Health and Human Services Committee and referred to the Senate Committee on Education. Has been made a two-year bill.

**LLP Position:** Support.

###

## *See Copies of State Bills*

View any state bill on the Lambda Letters Project Web site! Go to [www.lambdaletters.org](http://www.lambdaletters.org) and click on the Legislative Update button. Click on the bill number you're interested in and choose "HTML" to view it.

## Women's Issue

*Continued from page 3*

and expand investigative reporting on clinic violence and harassment.

- ♦ Ask religious and community leaders to denounce anti-abortion violence.
- ♦ Call for stepped-up law enforcement of clinic safety at the local, state, and national levels.
- ♦ Demand that anti-choice leaders condemn the murders of reproductive health care providers as well as violence, bombing, stalking.
- ♦ Donate to a fund for security at your local clinic.

Go to the LLP Web site at

[www.lambdaletters.org](http://www.lambdaletters.org) to see a copy of this bill.

Click on the Legislative Update button and then scroll down and click on the bill number. Clicking on the first HTML link under the words "Bill Text" will bring up a copy of the latest version of the bill. Also check out these Web sites: [prochoice.about.com](http://prochoice.about.com) and [www.plannedparenthood.org](http://www.plannedparenthood.org). ###

## People of Color Issue

*Continued from page 4*

charged to nonresidents. Large numbers of them are poor and cannot afford the higher tuition. They have lived here for years. They often were brought here by their parents; they had no choice in the matter. They probably got most or all of their education in California's public schools. They, or their parents, have been working and paying taxes here for years. Yet they are denied the livable tuition for education that so many of us take for granted. As a result, most of them will not go to college and will be locked into low-paying jobs that do not require a college education. They will pay taxes, but they will pay fewer taxes because they are earning less. They will contribute to our economy, but they will contribute less because they earn less.

AB 540 says that any student, even undocumented students, should qualify for the resident-level of tuition in California's public colleges and universities as long as they:

- ♦ Attended high school for three years in California
- ♦ Graduated from high school or earned a high school equivalency diploma

We think this bill makes good sense and we urge you to write to the Senate Appropriations Committee, asking them to support AB 540. ###



## People: The Fourth Branch of Government

*Continued from page 1*

consulting Lambda Letters. Usually legislators consult with a bill's sponsors before making any major decision on the bill.

Frankly, the bill did have some problems. In order to get the bill approved by the Senate Judiciary Committee, Assemblymember Goldberg had to agree to an amendment to the bill, which said that in order to be protected by the bill, transgender employees would have to reveal their gender status to the employer. This could make them vulnerable to harassment, and worse, in the workplace. However, if the legislative process had continued for this bill, there was at least a chance that we could have gotten this feature taken back out of the bill.

Although the governor did promise to seek new state regulations to accomplish much of what AB 1649 would have accomplished, he probably stopped the bill because he thought that either signing or vetoing it would damage his chances to win reelection. The adoption of strong regulations protecting transgendered people might have the same effect. So I doubt he will push hard for strong regulations or do much to publicize them.

Having said that, I should note that I recently learned that the California Department of Fair Employment and Housing has been instituting some new procedures and policies that are helpful to transgendered people. These changes are apparently based on some brief language quietly added to AB 2222 (introduced by then Assemblymember Kuehl, D-Los Angeles) and passed by the Legislature last year. The new policies may also be based on language in AB 1670, introduced in 1999 by the Assembly Judiciary Committee, chaired by Kuehl.

I understand that Assemblymember Goldberg says she is keeping AB 1649 as a "two-year bill."

That means that if the governor and the Fair Employment and Housing Commission do not come through with strong regulations, Goldberg can take the bill up again where it was without having to go through the entire legislative process again.

However, the bill has been amended in the Senate. Even if it was approved by the Senate it would have to go back to the Assembly for their approval of the changes that the Senate made to it. The Assembly approved AB 1649 by 41 votes, the absolute minimum number needed for it to pass in that house. All Assemblymembers will be running for reelection next year. If

the Assembly votes again on the bill next year, it is highly likely that one or more of the Yes votes will change to a No because of the election's outcome. That problem is at least slightly less likely if the bill were approved by the Senate and sent back to the Assembly this year. Governor Davis is also even less likely to sign the bill next year, than this year, because he will be running for reelection.

There are other examples of the governor's tactic. Last year Senator Kevin Murray (D-Los Angeles) introduced legislation to combat racial profiling by the police. His bill would have required police to report the race or ethnicity of every person stopped for a possible traffic violation. The governor's office leaned on Senator Murray and he dropped the reporting part of his bill.

In Governor Davis' first year in office the Legislature sent him an important clean-needle exchange bill authored by then Assemblymember Kerry Mazzoni (D-Novato). The governor called Mazzoni and told her to remove it from his desk. She did so, relieving him the need to either sign or veto the bill.

Clearly, the Legislature has ignored the governor's wishes on some issues. Why will they fight Davis on some issues and surrender without a shot on others? The answer has to do with the unspoken fourth branch of government: you. You and millions of Californians like you are the fourth branch of government and are the ultimate check on the excesses of all the other branches of government. When many people make it clear that they oppose a policy, public officials will drop it. However, if you are silent in the face of injustice, then justice fails. If you sit idly by while the governor, the Legislature, or the courts abuse our rights, then that abuse will go on unchecked.

Lambda Letters has helped you raise your voices on important health and social justice issues. We have delivered almost 77,000 of your messages to elected officials this year. We and you have been aggressive in demanding that our elected officials support our rights. However, with all due respect, I believe that many of our sister organizations have not been nearly demanding enough. That makes it easy for legislators to just roll over when the governor tells them to do so.

I encourage you to raise this issue with other civil rights organizations in which you participate. If you agree with me, persuade them to be more aggressive with our elected officials. Let's exert the full force the fourth branch of government to bring the governor and our legislators in line. ###



# AIDS Healthcare Foundation Donates Generously to LLP

We are privileged to reprint the following letter from the AIDS Healthcare Foundation, which recently donated generously to LLP.

AIDS Healthcare Foundation  
6255 W. Sunset Blvd 21st Floor  
Los Angeles, CA 90028

Dear Boyce:

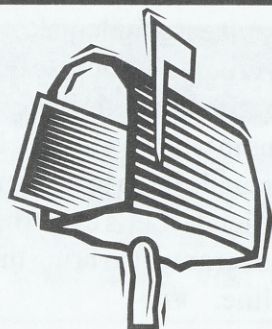
The AIDS Healthcare Foundation is pleased to present The Lambda Letters Project with \$1,000 to further their work in grassroots lobbying of the California Legislature.

Making legislators aware of constituents passionate enough to write a letter, make a phone call, or send an e-mail in favor of bills benefiting people with HIV and AIDS, the LGBT community, and other related progressive causes is a worthy and honorable thing that AHF would like to support.

Please keep up the excellent work and let us know if we can be of further assistance.

Sincerely,

/s/ Clint Trout  
Government Affairs Coordinator



# Segregation Is Being Restored

by Boyce Hinman, Chief Lobbyist

According to a study by Harvard University, America's public schools are becoming resegregated. More and more children of color are concentrated in poor schools with inferior resources, while white students are clustering in suburban schools that attract better teachers and resources. Curiously, even in school districts where most of the children are minority (like Washington, DC) the few white students there are found together in just a few schools. The study indicated that there has been a steady increase in segregation over the past 30 years. Professor Gary Orfield, author of the study, reports that "research has found that segregated minority schools tend to offer vastly unequal opportunities."

The study also suggests that federal court orders terminating desegregation orders of previous court decisions have contributed to the problem. The 1990s saw a series of decisions terminating earlier desegregation orders. That same decade saw a steady resegregation of the schools.

This situation creates several problems. For example, the poor resources of minority schools means that minority students get an inferior education, which prevents them from getting the highest paying jobs that require college degrees. As a result, more and more minorities are stuck with low-paying and unsatisfying jobs. Also the segregation of Latino and Latina immigrant children into mostly Latino/a schools isolates them from English-speaking students who could speed their learning of English.

The result of all this could be the establishment of a permanent divide between mostly poorly educated and poor minority people, and mostly well-educated and wealthier white people. That is a sure recipe for social conflict.

###

## Don't Know Who Represents You?

Send your request with a stamped, self-addressed envelope and we'll send you a complete list of your elected officials. Or go to [www.lambdaletters.org](http://www.lambdaletters.org) to find out who represents you.



# Court Victory for Transsexual

## *Superior Court of Sacramento Orders Medi-Cal Coverage for Gender Identity Disorder Treatment*

by Boyce Hinman

*Note: The Lambda Letters Project is releasing the following information with the permission of the person who obtained an important court victory. We at Lambda Letters feel it is important for transsexuals throughout California to know of this court decision. However, we respect the desire for privacy of the person involved in the case. So this article does not include that person's name or gender.*

On January 29, 2001, in Superior Court of Sacramento, an order was issued requiring Medi-Cal to pay for sex reassignment surgery for a person diagnosed with the condition known as Gender Identity Disorder, Type Transsexual. The court also ordered the California Department of Health Services, which administers the Medi-Cal program, to consider each request for sex reassignment surgery on an individual basis and to cease its practice of routinely denying all such requests.

The ruling requires that if a person on Medi-Cal has been diagnosed with Gender Identity Disorder, and sex reassignment surgery is determined to be medically necessary by the patient's physician, in keeping with the established Standards of Care, Medi-Cal must by law authorize payment for the surgery. This decision resulted from a Writ of Mandate, brought by a public interest law firm on behalf of a transsexual.

The judge noted that the prevailing medical opinion is that Gender Identity Disorder, or Gender Dysphoria, is a medical condition listed in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV). He also noted that the prevailing opinion among doctors is that the surgery is an appropriate treatment for transsexuals.

Gender Identity Disorder is a condition in which a person's sex is different than his or her gender. To explain: sex is external and physical, while gender is internal and psychological. Sex has to do with physical sexual attributes, while gender has to do with whether a person perceives his or her core identity as either male

or female. When a person's primary sexual characteristics do not match his or her gender, and the person pursues sex reassignment as outlined by the Standards of Care, the diagnosis is the condition called Gender Identity Disorder, Type Transsexual. Sex reassignment surgery, or gender confirmation surgery, is reconstruction surgery to make the primary sex characteristics of the patient's body match his or her gender.

Medi-Cal is a program that pays for health care for people with limited income, and the disabled. (This federally funded program is called Medicaid in other states.) Some transsexuals have significant disabilities unrelated to this condition. Transsexuals frequently have great difficulty in finding good, well-paying employment as a result of discrimination that they face in the job market. This is compounded by the psychological trauma created by the conflict between their core gender identity and their physical sex characteristics. As a result, many of them have limited income and must depend on Medi-Cal for their medical care.

Evidently, Medi-Cal has been routinely refusing treatment authorization requests for sex reassignment surgery. The judge ruled that all treatments determined medically necessary by a patient's physician (including psychological evaluation, hormone therapy, and sex reassignment surgery) are, by established law, included in Medi-Cal coverage. Hopefully this unlawful policy will now end, allowing qualified transsexuals receiving Medi-Cal to receive this vital surgery.

Federal law prohibits arbitrarily denying required services solely because of the recipient's diagnosis, type of illness, or condition.

We at Lambda Letters applaud the court decision and hope this will be helpful to those transsexuals who are recipients of Medi-Cal. ###

**PHOTOGRAPHY**  
*by Larry*

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